

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jun 22, 2022

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Michael John Coe

Case Number: 0980 2:15CR00126-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 8, 2016

Original Offense: Possession With Intent to Distribute Heroin, 21 U.S.C. § 841(a)(1), (b)(1)(C)

Original Sentence: Prison - 48 Months;
TSR - 84 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Richard R. Barker

Date Supervision Commenced: October 2, 2020

Defense Attorney: Federal Public Defender

Date Supervision Expires: October 1, 2027

PETITIONING THE COURT

To **issue a WARRANT** and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/02/2022.

On October 2, 2020, Mr. Coe's conditions of supervised release specific to 2:15CR00126-WFN-1 were reviewed with him telephonically due to the current and continued COVID-19 pandemic. On November 18, 2020, Mr. Coe reported to the U.S. Probation Office in Spokane, and signed his conditions of supervised release as previously reviewed with him.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Standard Condition #2: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. Michael Coe is alleged to have violated standard condition number 2 by ingesting fentanyl on or about June 8, 2022, based on urinalysis testing, and by ingesting methadone beyond what he was prescribed based on the client's admission of such use occurring on approximately three separate occasions, most recently on or about June 8, 2022.

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Specifically, on June 8, 2022, Mr. Coe reported to Pioneer Human Services in Spokane, to submit to random urinalysis testing after his assigned color was called on the day in question. Mr. Coe subsequently submitted a urinalysis sample that reflected as presumptive positive for both marijuana and fentanyl.

On June 8, 2022, the undersigned officer received a text message from the client expressing frustration that the test was being sent in to the contract laboratory due to there being a “faint” line present, seemingly indicating a negative test. Mr. Coe further indicated that he had begun to feel “targeted” and stated such circumstances were exactly why probation caused him so much stress and anxiety, noting that everything he worked for could be taken away on a whim whether he does anything wrong or not. On June 9, 2022, the undersigned officer received a drug use denial form from the contract provider in which the client had checked the box denying any use of fentanyl as indicated by the test.

On June 21, 2022, the undersigned officer received the lab report back from the contract laboratory specific to the sample submitted by the client at Pioneer Human Services on June 8, 2022, confirming the presence of fentanyl in the sample submitted. On June 21, 2022, Mr. Coe was contacted telephonically at which time he admitted to having sought out and purchased the prescription medication methadone on his own accord outside of legal channels. Mr. Coe clarified that while he was then already enrolled in a certified methadone program, he and his counselor had discussed an increase in his methadone dosage through his enrolled clinic, but they required him to first obtain an EKG, which he had put off doing. Mr. Coe indicated that he believed the methadone he purchased could have been “spiked” with fentanyl, and he admitted that he had sought out methadone in this fashion on approximately three separate occasions.

- 3 **Special Condition #21:** The defendant shall abstain from the use of illegal controlled substances, including marijuana, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Michael Coe is alleged to have violated special condition number 21 by failing to attend random urinalysis testing with the contract provider in Spokane, when his assigned color was called on June 13, 2022.

Specifically, on June 14, 2022, the undersigned officer received the urinalysis roster from June 13, 2022, in which the client’s name was observed to not be present. Mr. Coe was contacted and admitted to forgetting to call on the day in question.

Mr. Coe subsequently reported to the contract provider on June 14, 2022, and provided a urinalysis sample for testing that proved to be presumptive positive for marijuana, fentanyl and benzodiazepines. A drug use denial form was additionally received in which the client admitted to using marijuana on or about May 29, 2022, as previously disclosed, but denied any use of fentanyl or benzodiazepines, noting on the report “faint line.” The laboratory reports remain pending specific to the client’s urinalysis sample submitted on June 14, 2022.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 22, 2022

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

6/22/2022

Date